THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.5107 of 2007

Dated: 15-03-2007

Between:

Ravinuthala Srinivaslu.

..... PETITIONER

AND

The State of Andhra Pradesh,
rep.by Chief Commissioner, Hyderabad, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.5107 of 2007

ORDER:

The petitioner was allegedly assigned plot No.190 in survey No.148 situated at Peryavaram Village, Venkatgiri Mandal, Nellore District, in1990. He alleges that he constructed a thatched house in said plot and has been living in the property. When Arava Ramesh tried to interfere with the petitioner's possession, he (petitioner) filed a suit, being O.S.No.104 of 2004, on the file of the Court of the Junior Civil Judge, Venkatgiri. In said suit, respondent No.4, the Mandal Revenue Officer (MRO), and the District Collector, Nellore, were arrayed as defendants 2 and 3 besides Arava Ramesh as defendant No.1. He alleges that in the written statement filed by defendant No.1, it was alleged that the house site patta issued to him (petitioner) was cancelled by proceedings Rc.B.949/91 dated 13.12.1994. Therefore, he filed instant writ petition seeking invalidation of said proceedings dated 13.12.1994 and for a consequential direction to the respondents not to interfere with his possession and enjoyment of the property.

Though a copy of the proceedings of MRO dated 13.12.1994 is not filed along with this writ petition, the petitioner admits that the assignment was cancelled in 1994. The learned counsel for the petitioner, however, submits that there was no notice and no enquiry was conducted by MRO before issuing cancellation proceedings and that the petitioner is still in possession and enjoyment of the property by paying tax regularly. He placed reliance on a certificate issued by the Panchayat Secretary, Periyavaram Gram Panchayat, to the effect that the petitioner paid property tax from 1989-1990 to 1998-1999.

After perusing the material and giving anxious consideration to the submission made by the learned counsel for the petitioner, this Court is of the considered opinion that the writ petition is barred by delay and laches. The certificate issued by the Gram Panchayat Secretary is dated 24.12.2000, but curiously it does not certify whether the petitioner paid tax from 1999-2000 to 2003-2004. This would belie the submission that the petitioner is in possession. The petitioner already approached the civil Court and therefore, this writ petition is misconceived.

The writ petition, with the above observations, is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

15th March, 2007

ghn